UNITED STATES DISTRICT COURT WESTERN DISTRICT OF NORTH CAROLINA CHARLOTTE DIVISION DOCKET NO. 3:20-cr-00038-FDW-DSC

UNITED STATES OF AMERICA,)	
)	
)	
vs.)	
)	ORDER
DUSTIN BLAIR HENRY,)	
)	
Defendant.)	
)	

THIS MATTER is before the Court on Defendant's pro se motion seeking inquiry of counsel and to withdraw his plea. (Doc. No. 28). The motion was filed on May 20, 2021, and on June 24, 2021, the Court conducted an inquiry into the status of counsel hearing. Defendant's then current counsel was removed, and a new attorney appointed to him. (Minute Order, 6/25/2021).

To the extent the instant motion also requests to withdraw his guilty plea, the Court notes Defendant has at all times and is currently represented by counsel. (Appointment of Counsel, January 18, 2020, and Oral Order/CJA Appointment of Counsel, June 25, 2021). Local Criminal Rule 47.1(g) requires motions to be filed by counsel unless a defendant has formally waived his right to counsel before a judicial officer. See United States v. Barnes, 358 F. App'x 412, 413 (4th Cir. 2009) (affirming denial of pro se motion to withdraw guilty plea and holding that because the defendant "was represented by counsel, the district court was not required to consider [the defendant's] pro se letter filed on February 9, 2009, as a motion to withdraw his plea." (citing United States v. Vampire Nation, 451 F.3d 189, 206 n. 17 (3d Cir.2006) (holding district court is within its authority to disregard pro se motions from a counseled party)).

IT IS, THEREFORE, ORDERED, that Defendant's pro se motion to withdraw his plea (Doc. No. 28) is DENIED.

The Clerk is directed to certify copies of this order to Defendant, counsel for Defendant, and to the United States Attorney.

IT IS SO ORDERED.

Signed: December 15, 2021

Frank D. Whitney

United States District Judge